

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 05-484M
v.)	
)	
MY BA DINH,)	DETENTION ORDER
)	
Defendant.)	
_____)	

Offenses charged:

Conspiracy to import marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846 and possession of marijuana with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(D).

Date of Detention Hearing: October 14, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

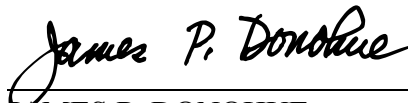
(1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant is a flight risk and a danger to the community based on the nature of the pending charges.

- 01 (2) Defendant's interview with Pretrial Services produced substantial discrepancies
02 regarding his living arrangements, employment arrangements, citizenship status
03 and passport information. These issues raise substantial questions regarding
04 the risk of nonappearance. In addition, substance abuse questions remain. As
05 a result, the defendant has not overcome the statutory rebuttable presumption
06 set forth in 18 U.S.C. § 3142 (e).

07 IT IS THEREFORE ORDERED:

- 08 (1) Defendant shall be detained pending trial and committed to the custody of the
09 Attorney General for confinement in a correction facility separate, to the extent
10 practicable, from persons awaiting or serving sentences or being held in
11 custody pending appeal;
- 12 (2) Defendant shall be afforded reasonable opportunity for private consultation
13 with counsel;
- 14 (3) On order of a court of the United States or on request of an attorney for the
15 government, the person in charge of the corrections facility in which defendant
16 is confined shall deliver the defendant to a United States Marshal for the
17 purpose of an appearance in connection with a court proceeding; and
- 18 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
19 counsel for the defendant, to the United States Marshal, and to the United
20 States Pretrial Services Officer.

21 DATED this 14th day of October, 2005.

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24 JAMES P. DONOHUE
25 United States Magistrate Judge
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